

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 35-37 are canceled thereby rendering moot the rejection under 35 U.S.C. §101.

All claims 1-41 stand rejected under 35 U.S.C. §102 as being anticipated by newly-applied Puuskari. This rejection is respectfully traversed.

To establish that a claim is anticipated, the Examiner must point out where each and every limitation in the claim is found in a single prior art reference. *Scripps Clinic & Research Found. v. Genentec, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). Every limitation contained in the claims must be present in the reference, and if even one limitation is missing from the reference, then it does not anticipate the claim. *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565 (Fed. Cir. 1986). Puuskari fails to satisfy this rigorous standard.

Puuskari describes a method for controlling a quality of service in a mobile communications system. The abstract refers to a dynamic packet-based quality of service (QoS) mechanism “within a transmission tunnel defined by a more static packet data protocol context (PDP context). More particularly, each data packet is arranged to carry at least one QoS parameter, and the scheduling and the policing of the transmission of the data packets is made in packet by packet basis according to this QoS information in the packets, while, however, within the limits set by the PDP context.” In Puuskari’s packet-by-packet method, “the QoS can be changed at any time after activation of the PDP context, since only the QoS information in the relevant data packets has to be changed.” See Abstract.

The claims address the problem of how to establish an RSVP protocol proxy relationship in a multimedia session involving a mobile communication access network in a non-RSVP enabled mobile terminal. RSVP is a protocol developed for use with the wired line internet. No

special provisions are established in RSVP signaling, which create difficulties in mobile communications with non-RSVP enabled mobile radio terminals. Puuskari is not concerned with this problem of non-RSVP enabled mobile radio terminals. But the inventors of the instant application recognized this problem and provided a mechanism that allows a non-RSVP enabled mobile terminal to communicate a protocol proxy request with an RSVP-enabled node along the send-receive path between the mobile terminal and a remote host.

Amended claim 1 emphasizes that the mobile terminal initially “determines a need for a communications protocol proxy for the mobile terminal for the multimedia session.” This feature is missing in Puuskari. The text referred to by the Examiner at column 7, lines 49-58 and column 8, lines 24-28 relates to establishing a PDP context in the mobile station (MS), the SGSN, and the GGSN. There is nothing describing that the mobile recognizes that it is not RSVP-enabled and therefore needs an RSVP proxy for the session.

The “Activate PDP Context Request” message referred to by the Examiner “gives information on the TLLI, PDP type, PDP address, required QoS and NSAPI, and optionally the access point name APN.” Column 8, lines 24-28. None of this information “indicat[es] that the access point should function as a communications protocol proxy for the mobile terminal for a media data stream of the multimedia session,” as recited in claim 1. Moreover, the fact that the GGSN is a gateway node does not mean that it is an RSVP proxy for the mobile. The mobile in Puuskari could be RSVP-enabled, in which case the GGSN would not need to be the mobile’s proxy.

Claim 1 also includes features from 3-6:

- the communications protocol is the resource reservation protocol (RSVP), and the communications protocol proxy is an RSVP proxy for the mobile terminal during the multimedia session,
- the request message is a Packet Data Protocol (PDP) context request message and the indicator is an RSVP proxy flag, and
- the PDP context request message includes the RSVP proxy flag as a PDP configuration option (PCO)."

In rejecting claims 3-6, The Examiner refers to portions of columns 15 and 16 where Puuskari teaches using the RSVP protocol. But there is no teaching of the mobile in Puuskari determining that it needs the GGSN to be its RSVP proxy and then sending a message requesting the GGSN to be its RSVP proxy. The messages described in the referred to column 15 and 16 text are RSVP messages. The request message in claim 1 is not an RSVP message, but rather a PDP request message. The RSVP proxy request flag is in the PDP context request message. Indeed, claim 1 even recites that the "the RSVP proxy flag as a PDP configuration option (PCO)." The PDP context request message in Puuskari is missing these RSVP proxy features. When Puuskari describes the mobile as setting "break bits" at col. 16, lines 5-8 ("the GGSN, or an external host, and the MS on the other side, may act like some fixed capacity would have been reserved for a flow or IP context and can set "break bits" of the RSVP messages, if necessary"), the mobile station is clearly RSVP-enabled and does not require an RSVP proxy.

Claim 8 recites an access point "detecting an indicator in the request message [from the mobile terminal] indicating that the access point should function as a communications protocol proxy for the mobile terminal for a media data stream of the multimedia session." As explained

above, there is no teaching in Puuskari of the mobile station making the determination that it needs the GGSN to be its RSVP proxy. Nor does Puuskari teach that the PDP context request message (see the text quoted above from column 8 describing Puuskari's PDP context request message) includes an RSVP proxy flag "indicating that the access point should function as a communications protocol proxy for the mobile terminal for a media data stream of the multimedia session." Similar features are found in claim 25.

Claim 18 is directed to a mobile terminal that "determine[s] a need for a communications protocol proxy for the mobile terminal for the multimedia session" and sends a PDP context request message with RSVP proxy flag indicating that the access point should function as a communications protocol proxy for the mobile terminal for the media data stream of the multimedia session. In the system claim 38, "the mobile terminal determines a need for a communications protocol proxy for the mobile terminal for the multimedia session " and sends a PDP context request message to the GGSN with a RSVP proxy flag asking the GGSN to be the mobile terminal's RSVP proxy during the multimedia session. Puurskari lacks these features for reasons explained above.

The application is now in condition for allowance. An early notice to that effect is requested.

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Appl. No. 10/087,995
June 19, 2008

Respectfully submitted,

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